

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ZIMMERLI TEXTIL AG,

Plaintiff,

-against-

ALEXANDER KABBAZ, JOELLE KELLY,
KABBAZ-KELLY & SONS and
LUXURY CLOTHING, LTD.

**NOTICE OF MOTION TO
DISMISS PURSUANT TO FED. R.
CIV. P. 12(b)(6)**

2:14-cv-01560 (JS)(ARL)

SIRS:

PLEASE TAKE NOTICE, that upon the attached Memorandum of Law and Affirmation of Justin Mercer (the “Mercer Aff.”), dated April 25, 2014, filed and served concurrently herewith, all pleadings and papers on file herein, and upon such oral and documentary evidence as may be presented at a hearing on this Motion if necessary, Defendants, ALEXANDER KABBAZ, JOELLE KELLY, KABBAZ-KELLY & SONS and LUXURY CLOTHING, LTD., hereby move this Court, Judge Joanna Seybert, U.S.D.J., in Courtroom 1030 at the Long Island Federal Courthouse, Central Islip, New York, on the 22nd day of May, 2014, or as soon thereafter as counsel can be heard, for an Order dismissing the First, Second, Third, Fourth, Fifth, Seventh, Eighth, Ninth, Tenth and Eleventh Claims for Relief in the Plaintiff’s Complaint pursuant to Fed. R. Civ. P. 12(b)(6) on the grounds that they fail to state a claim upon which relief may be granted.

Dated: Brooklyn, New York
April 25, 2014

_____/s_____
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